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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,008	12/31/2003	Maria Theresa Barnes Leon	OIC0104US	5533
66/975 7590 12/24/2008 CAMPBELL STEPHENSON LLP 11401 CENTURY OAKS TERRACE BLDG. H, SUITE 250 AUSTIN, TX 78758				
EXAMINER				
MISIASZEK, MICHAEL				
ART UNIT		PAPER NUMBER		
3625				
MAIL DATE		DELIVERY MODE		
12/24/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/751,008

Applicant(s)

BARNES LEON ET AL.

Examiner

Michael Misiaszek

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-8, 11-21, 24, 26 and 28 is/are pending in the application.
- 4a) Of the above claim(s) 3, 11 and 17-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-8, 12-16, 24, 26 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/25/2008 has been entered.

Response to Amendment

Applicant's amendments filed 11/25/2008 have been received and reviewed. The status of the claims is as follows:

Claims 3-8, 11-21, 24, 26 and 28 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4-8, 12-16, 24, 26, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rappoport in view of Arai et al. (US 20030097642 A1, hereinafter Arai).

Regarding Claims 24, 26, 28

Rappoport discloses a method and medium comprising managing a product, comprising:

- extracting product management information in a first form, wherein the product management information comprises information regarding the managing of the product and the first form is associated with a first source computerized product management system (at least abstract: product design data for source system extracted from source system)
- converting the product management information in the first form, wherein the converting the product management information in the first form converts the product management information in the first form into product management

information that is in a second intermediate form (at least column 10, lines 1-8: data converted into intermediate form and stored in bridge structure)

- converting the product management information in the second intermediate form wherein the converting the product management information in the second intermediate form converts the product management information in the second intermediate form into product management information in a target form the product management information in a target form corresponds to a target computerized product management system (at least column 5, lines 1-16: intermediary form converted to target form for target system)
- converting the information in the second intermediate form into multiple different target forms (at least column 9, lines 15-27: bridge structure can be used for storing information for conversion to more than one type of CAD system)
- the second intermediate form comprises a list of product elements for defining a hierarchy of data elements (at least column 5, lines 24-35: intermediate form can preserve parametrics, features of design)
- performing an update of an existing product management record in the target computerized product management system using the product management information in the target form (at least column 5, lines 36-46: once in target form, design can be manipulated/updated)

Rappaport does not specifically disclose that the data being stored and converted in the method is product management information.

However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The extracting, converting, and performing steps would be performed in the same manner regardless of the data. Merely labeling the data in a specific manner would not alter the functionality of the claimed method. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Further, the examiner notes that Rappaport teaches using CAD systems for handling enterprise resource planning data (see at least column 1, lines 43-52), which is equated to product management information in the present specification.

Rappaport further does not specifically disclose that the performing and update is performed in response to the converting the product management information into a target form, and wherein the existing product management record resided in the target computerized product management system prior to converting the product management information. Arai teaches that it is known to include performing an update of an existing product record in response to an information conversion (at least paragraphs [0050], [0052] and [0056]: existing drawings record in drawings database updated following drawing changes after conversion) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method and medium, as taught by Rappaport, with the updating, as disclosed by Arai, since such a modification would have provided prevention of erroneous usage and assurance that formal design data is used through a supervised updating procedure (at least paragraph [0052] of Arai).

Regarding Claims 4-8, 12-16

Rappoport does not specifically disclose the hierarchy of specific data elements claimed.

However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The extracting, converting, and performing steps of independent claims 24 and 26 would be performed in the same manner regardless of the data. In other words, no matter the format or makeup of the product management information, the same steps would be performed. Merely arranging the data in a specific fashion or labeling the data in a specific manner would not alter the functionality of the claimed method. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Response to Arguments

Applicant's arguments with respect to the Rappaport reference have been fully considered, but they are not persuasive. Applicant asserts that Rappaport does not disclose "performing an update of an existing product management record in the target computerized product information using the product management information in the target form. The Examiner respectfully disagrees. Rappaport teaches using CAD systems for handling enterprise resource planning data (see at least column 1, lines 43-52), which is equated to product management information in the present specification. The cited section of Rappaport discloses manipulating (updating) an existing CAD data structure (which can be accordingly equated to ERP data/product management information) using the target form of the CAD data structure. Therefore, the Examiner suggests that the Rappaport does, indeed, disclose the limitation in question.

Applicant's arguments with respect to the Nonfunctional descriptive material have been fully considered, but they are not persuasive. Applicant initially asserts that the product management information in the independent claims is functional. The Examiner respectfully disagrees. Each of the method steps in the independent claims would have been performed in the exact same manner, regardless of how the data was labeled. Similarly, the specific hierarchy of data elements listed in the dependent claims do not functionally relate to the steps involved in the claim method. Again, regardless of how the data elements of the claimed information that is extracted, converted, and updated are labeled, the steps would be performed in the same manner. Accordingly, the Examiner asserts that the type of data being extracted, converted, and updated in the claimed method is merely nonfunctional descriptive material.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Misiaszek whose telephone number is (571)272-6961. The examiner can normally be reached on 9:00 AM - 5:30 PM, Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeffrey A. Smith/
Supervisory Patent Examiner, Art
Unit 3625

Michael A. Misiaszek
Patent Examiner
11/21/2008

Application Number**Application/Control No.**

10/751,008

**Applicant(s)/Patent under
Reexamination**

BARNES LEON ET AL.

Examiner

Michael Misiaszek

Art Unit

3625